REMARKS / DISCUSSION OF ISSUES

Claims 11-30 are pending in the application.

The applicants thank the Examiner for acknowledging the applicants' claim for priority under 35 U.S.C. 119, and receipt of certified copies of the priority papers.

The Office action rejects claims 21-30 under 35 U.S.C. 101. The applicants respectfully traverse this rejection.

The Office action asserts that, with respect to claims 21-27, "the claimed 'player' appears to be a computer program per se'." The applicants respectfully disagree with this assertion. The Office action fails to provide a basis for this assertion, and cites a passage from 2106 that refers to "data structures", which has no bearing on the applicants' claims, because the applicants do not claim a data structure.

The Office action asserts that, with respect to claims 28-30, the claimed information carrier is a form of electromagnetic energy. The applicants respectfully traverse this rejection. The Office action refers to "carrier waves" and "claims that recite nothing but the physical characteristics of a form of energy, such as frequency, voltage, or the strength of a magnetic field, define energy or magnetism, per se." The applicants respectfully note that the applicants do not claim a carrier wave, per se, and the applicants' claim for an information carrier does not recite "nothing but the physical characteristics of a form of energy".

Because claims 21-30 recite neither a computer program nor a carrier wave, per se, the applicants respectfully maintain that the rejection of claims 21-30 under 35 U.S.C. 101 is unfounded, and should be withdrawn.

The Office action rejects claims 11-19, 21, and 23-30 under 35 U.S.C. 102(b) over Freund (USP 5,987,611). The applicants respectfully traverse this rejection.

MPEP 2131 states:

> "A claim is anticipated only if ***each and every element*** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The ***identical invention*** must be shown in as ***complete detail*** as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Freund fails to teach receiving content information and application information related to the content information from an information carrier, fails to teach determining a sub-collection of documents based on the application information, and fails to teach facilitating Internet access to documents within the sub-collection and encumbering Internet access to documents that are not within the sub-collection, as specifically claimed in claim 11, upon which claims 12-20 depend. The other independent claims, 21 and 28, include similar limitations.

As contrast to the applicants' claimed invention, Freund teaches a system for controlling employee access to the Internet from a corporate LAN:

> "All told, comparably little has been done to date to effectively minimize or eliminate the risks posed from within one's own corporate LAN, specifically, how one manages access to the Internet or other WAN from client machines. Quite simply, the technical framework to successfully implement an Internet access management product does not exists. What is needed are system and methods providing network administrators, workgroup supervisor, and individual PC users with the ability to monitor and regulate the kinds of exchanges permissible between one's local computing environment and external network or WANs, including the Internet. The present invention fulfills this and other needs." (Freund, column 3, lines 36-48)

To accomplish this stated purpose, Freund teaches controlling Internet access based on explicit lists of allowable and not-allowable applications and web sites that are created by the manager(s) within the corporation. Freund does not teach or suggest receiving content information and application information related to the content information from an information carrier, and determining a sub-collection of accessible documents based on the application information, as claimed in each of the applicants' independent claims.

The Office action asserts that Freund's Abstract teaches all of the elements of the applicants' claimed invention. The applicants respectfully disagree with this assertion. Freund's Abstract teaches:

> "A computing environment with methods for monitoring access to an open network, such as a WAN or the Internet, is described. The system includes one or more clients, each operating applications or processes (e.g., Netscape Navigator.TM. or Microsoft Internet Explorer.TM. browser software) requiring Internet (or other open network) access (e.g., an Internet connection to one or more Web servers). Client-based monitoring and filtering of access is provided in conjunction with a centralized enforcement supervisor. The supervisor maintains access rules for the client-based filtering and verifies the existence and proper operation of the client-based filter application. Access rules which can be defined can specify criteria such as total time a user can be connected to the Internet (e.g., per day, week, month, or the like), time a user can interactively use the Internet (e.g., per day, week, month, or the like), a list of applications or application versions that a user can or cannot use in order to access the Internet, a list of URLs (or WAN addresses) that a user application can (or cannot) access, a list of protocols or protocol components (such as Java Script.TM.) that a user application can or cannot use, and rules to determine what events should be logged (including how long are logs to be kept). By intercepting process loading and unloading and keeping a list of currently-active processes, each client process can be checked for various characteristics, including checking executable names, version numbers, executable file checksums, version header details, configuration settings, and the like. With this information, the system can determine if a particular process in question should have access to the Internet and what kind of access (i.e., protocols, Internet addresses, time limitations, and the like) is permissible for the given specific user." (Freund, Abstract.)

As can be seen, nowhere in this Abstract does Freund reference content information and related application information on an information carrier. As taught by Freund, Freund's centralized enforcement supervisor maintains access rules that include a list of applications that a user can or cannot use in order to access the Internet, and a list of URLs (or WAN addresses) that a user application can or cannot access. Freund does not teach that the enforcement supervisor receives content information and application information related to the content information on an information carrier, and the Office action fails to identify where Freund provides this teaching. Further, the Office action fails to show where Freund teaches that the

aforementioned lists of applications and/or URLs are related to content information on an information carrier.

Freund does not teach determining a sub-collection of documents based on application information that is related to content information read from an information carrier. In Freund's cited Abstract, Freund teaches reading a list that is provided by Freund's centralized server, and not from an information carrier that contains the content and application information related to this content.

Because Freund does not teach receiving content information and application information related to the content information from an information carrier, and determining a sub-collection of documents based on the application information, as claimed in each of the applicants' independent claims, the applicants respectfully maintain that the rejection of claims 11-19, 21, and 23-30 under 35 U.S.C. 102(b) over Freund is unfounded, per MPEP 2131, and should be withdrawn.

The Office action rejects:

claim 20 under 35 U.S.C. 103(a) over Freund and Morgan et al. (USPA 2005/005165, hereinafter Morgan); and

claim 22 under 35 U.S.C. 103(a) over Freund and Casais (USPA 2003/0040341). The applicants respectfully traverse these rejections.

In these rejections, the Office action relies on Freund for teaching the elements of claims 11 and 21, upon which these rejected claims depend. As noted above, Freund fails to teach each of the elements of claim 11 and 21; accordingly, the applicants respectfully maintain that the rejections of claims 20 and 22 under 35 U.S.C. 103(a) that rely on Freund for teaching the elements of claims 11 and 21 are unfounded, per MPEP 2142, and should be withdrawn.

In view of the foregoing, the applicants respectfully request that the Examiner withdraw the rejections of record, allow all the pending claims, and find the application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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